



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
EMERGENCY RESPONSE BRANCH
9311 GROH ROAD, ROOM 216
GROSSE ILE, MI 48138-1697

EPA Region 5 Records Ctr.



223412

SEP 24 2004

MEMORANDUM

REPLY TO ATTENTION OF:

SUBJECT: **ACTION MEMORANDUM** - Request for a Ceiling Increase and an Exemption from the 12-month and \$2 Million Statutory Limit for the Removal Action at the Mahoningside Power Plant Site, Warren, Trumbull County, Ohio (Site ID #B5P4)

FROM: Mark Durno, On-Scene Coordinator
Emergency Response Branch - RS1

[Signature] for M.D.
9/16/04

TO: Richard Karl, ~~Acting~~ Director
Superfund Division

[Signature]

THRU: Thomas Geishecker, Acting Chief
Emergency Response Branch

[Signature] 9/23/04

Jason H. El-Zein, Chief
Response Section 1

[Signature] for JEL-Zein
9/10/04

I. PURPOSE

The purpose of this memorandum is to request and document your approval for a 12-month and \$2 million exemption and a ceiling increase of \$1,013,060 in order to continue to mitigate threats to public health, welfare, and the environment at the Mahoningside Power Plant Site (Mahoningside Site) within the City of Warren, Trumbull County, Ohio. If approved, this increase will bring the total approved ceiling for the Mahoningside Site to \$2,182,400. These expanded response actions are necessary to mitigate the immediate threat to public health, welfare, and the environment posed by the continued presence and uncontrolled migration of polychlorinated biphenyl (PCB) contamination located in a sensitive area in the City of Warren.

The initial emergency response action was conducted pursuant to Section 104(a)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. Section 9604(a)(1), as amended, by locating, recovering, and proper disposal of PCB-contaminated materials. The initial removal action was considered an emergency response due to the potential for uncontrolled releases of elevated levels of PCB contamination into the adjoining Mahoning River. The initial response required approximately 6 months to complete. The original emergency removal actions were completed in February, 2001. The original Action Memorandum was approved on September 20, 2000.

Following the emergency removal action, U.S. EPA requested that the Ohio EPA assess the remainder of the site's property for additional hazardous conditions and PCB contamination. Sampling and subsequent analysis by Ohio EPA and the City of Warren indicates that large debris piles that exist on the site property contain levels of PCB contamination that exceed regulatory levels for industrial properties. As a result, the City of Warren requested the assistance of U.S. EPA to address the continued threats to public health and the environment.

The response action proposed herein will mitigate threats to public health, welfare, and the environment posed by the presence of uncontrolled hazardous wastes and substances located in large debris piles on the property of the former power plant. Hazardous substances that have been confirmed to be present at the Mahoningside Site are PCBs. Proposed removal actions include the complete assessment of the chemical hazards in the debris piles, removal and stabilization of the hazardous wastes and substances, and off-site disposal of the hazardous wastes and substances. The uncontrolled condition of the abandoned waste and substances at this Site, the potential for hazardous substances in the subsurface to migrate into the adjoining river, the unrestricted access to the property, the evidence that the Site is frequented by trespassers, and the Site's proximity to residential areas require that this removal be classified as time-critical. The project will require approximately 60 working days to complete.

The Mahoningside Site is not on the National Priorities List (NPL).

II. SITE CONDITIONS AND BACKGROUND

CERCLIS ID # OHN 000 508 061

A. Physical Location and Description

The Mahoningside Power Plant Site consists of an open abandoned basement of a former power plant building. The basement structure contains numerous underfloor sumps, piping, and conduits, some of which are connected to the Mahoning River. The building foundation encompasses approximately 34,000 square feet and the property totals approximately 6 acres. Large debris piles are present immediately west of the basement structure. These piles were generated from demolition activities that occurred in 1999. The property, currently owned by the City of Warren, which took the property in lieu of back taxes, was formerly owned by the Ohio Edison Company (now First Energy) and other private parties. The property is located at 650 Summit Street, Warren, Ohio, 44483. The property is bordered by the Mahoning River to the east, railroad tracks to the north, light industrial properties to the south, and a residential area to the west. Summit Street parallels the facility to the south and Tod Avenue parallels the facility to the west.

In Ohio, the low income percentage is 30% and the minority percentage is 13%. To

meet the Environmental Justice (EJ) concern criteria, the area within one mile of the Site must have a population that is twice the state low income percentage and/or twice the state minority percentage. That is, the area must be at least 60% low income and/or 26% minority. The low income percentage in the impacted area is 64.8% and the minority percentage is 10.12% as determined by Landview 3 EJ analysis. Therefore, the Mahoningside Site does meet the region's EJ criteria based on demographics as identified in "Region 5 interim guidelines for Identifying and addressing a potential EJ Case, June 1998".

The property is surrounded by a security fence that is in poor condition. There have been past cases of unauthorized entry and vandalism at the Site. The west side of the property is currently used as a temporary office and staging area. The central portion of the facility is used for the staging of debris. The foundation and basement are located on the river's edge at the east end of the facility.

B. Site Background

The facility was built in 1904 by the Warren Water and Light Company as a hydro-electric power generating plant. From 1950 until 1980 the facility was owned by the Ohio Edison Company and primarily used as a coal-burning power plant until 1968. In August 1977, the property was leased by Ohio Edison to Summit-Warren, Inc., where the property was used to operate a salvage business. At that time, the business was owned and/or operated by Harold Glunt and John Petrilla. In December 1980, the property was sold to Nestor Stychno and William Marsteller, who did various scrapping operations at the site. In 1999, the bankruptcy of the the Stychno and Marsteller operation resulted in the City of Warren taking title to the property in lieu of back taxes.

In February 1999, City of Warren contractors, Inner-scope Technologies and McCabe Engineering, mobilized to begin demolition and general construction activities at the Mahoningside Power Plant Site. On March 17, 1999, two 250-foot high smokestacks were imploded by explosives. General demolition activities continued until November 1999.

In November 1999, Warren consulted with Ohio EPA and U.S. EPA regarding regulatory compliance should PCBs or heavy metal contamination be discovered during the removal of basement debris. From December 1999, through early March 2000, debris removal from the basement progressed. According to the City's contractors, all PCB contamination that was discovered during this time was below the TSCA regulatory level of 50 parts per million (ppm) for industrial facilities. In March 2000, PCB contamination, exceeding 50 ppm, was discovered in the basement of the former facility. Approximately 450 cubic yards of PCB-contaminated debris was contained on-site.

From March 2000 through June 2000, the City of Warren authorized response actions to control and contain PCB contamination. In mid-June 2000, the City of Warren ran

out of funding to complete the PCB clean-up and remainder of demolition activity. The City of Warren's contractor, McCabe Engineering, continued basement de-watering and treatment actions on a good-faith basis.

On July 21, 2000, the City of Warren requested U.S. EPA assistance to complete the removal and disposal of hazardous materials at the Site and to take over the de-watering operation. On August 4, 2000, U.S. EPA initiated an emergency removal action to continue the de-watering activities on Site.

From October 10, 2000 until late-February 2001, U.S. EPA conducted a time-critical removal at the site. U.S. EPA and its contractors removed high-level PCB contamination from the basement and sub-structure of the former power plant and disposed of PCB contaminated debris which was previously contained. Approximately 1,770 tons of PCB contaminated materials were removed from the site and disposed of at CWM-Chemical Services LLC Landfill located in Model City, New York.

In March 2001, U.S. EPA referred the Site to Ohio EPA for further assessment. In July 2001, Ohio EPA conducted an assessment of the Site which included multi-media sampling. Sampling results indicated that a portion of one debris pile exhibited PCB concentrations as high as 159 mg/kg (~ppm), exceeding the regulatory limit of 50 ppm.

In June and July of 2002, the City of Warren's contractor, McCabe Engineering, collected grid-based composite samples from the piles at various depth intervals. The results of this characterization indicated that elevated levels of PCB's were present in all three debris piles. Also, the characterization showed that two of the three piles had PCB contamination in excess of 50 ppm in numerous locations. According to McCabe Engineering, the debris piles total approximately 13,000 cubic yards or 16,500 tons of material.

On January 24, 2003, the City of Warren again requested U.S. EPA's assistance to dispose of PCB contaminated debris from the Site. The City of Warren has offered to provide in-kind services to load-out contaminated materials and to provide after-action confirmation sampling.

III. THREATS TO PUBLIC HEALTH, WELFARE, OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

The conditions at the Mahoningside Site present a potential threat of release of CERCLA hazardous substances, present an imminent and substantial threat to the public health, or welfare, and the environment, and met the criteria for an emergency

removal action provided for in the National Contingency Plan (NCP), 40 C.F.R. § 300.415(b)(2). These criteria include:

1) Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants;

The Site is situated in a high traffic, mixed industrial-residential area. Several people are often observed using the sidewalk to the immediate south of the Site and visiting the river just east of the Site. There are several incidents of trespass reported recently on Site. High levels of PCBs are present on Site. In some locations, contamination exceeds the regulatory level established under the Toxic Substances Control Act (TSCA) for industrial properties (50 ppm). Approximately 16,500 tons of debris, much of which contains PCB waste are present on Site. The high levels of PCB contamination remains uncontrolled. The potential exists for contamination to migrate in to soil beneath the piles and/or over land and through soil into the Mahoning River. U.S. EPA requested Ohio EPA to evaluate the risk to the Mahoning River due to uncontrolled PCB contamination. Ohio EPA indicated that any uncontrolled PCB contamination at or above 1 ppm could pose significant risk to the Mahoning River.

There currently is no security on Site other than the Site fence. The fence is in marginal to poor condition.

2) Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released;

Northeast Ohio typically exhibits frequent precipitation in the fall, winter, and spring months. PCB contamination is located in 3 large, uncovered debris piles on site. The debris piles are located immediately to the west of the open basement structure of the former facility and the Mahoning River. Not only is there contamination migration potential directly to the Mahoning River, but also to the more closely located basement structure, which is a direct conduit to the river. Heavy precipitation causes the Mahoning River to rise and flow at a more rapid rate. The resulting influx to groundwater increases the amount of water that enters the former facility basement, where the PCB contamination can easily migrate to. The resulting water movement can cause contaminants to migrate to the subsurface or to the Mahoning River. Additionally, much of the contaminated material in the soil piles are fine particles that can easily migrate to nearby residential areas during dry weather coupled with moderate wind conditions.

3) The availability of other appropriate Federal or State response mechanisms to respond to the release.

The City of Warren has requested U.S. EPA assistance to remove hazardous substances from the Mahoningside Power Plant Site. The City ran out of funding as it was attempting to redevelop this Brownfields Site into a usable facility. The Ohio EPA has served as a technical liaison to the project but does not have funding available to clean-up the Site.

IV. ENDANGERMENT DETERMINATION

Given the Site conditions, the nature of the suspected hazardous substances on Site and the potential exposure pathways described in Sections II and III, actual or threatened direct or indirect releases of hazardous substances from the Mahoningside Power Plant Site due to migration, if not addressed by implementing the response actions selected in this Action Memorandum, present an imminent and substantial endangerment to public health, or welfare, or the environment.

V. EXEMPTION FROM STATUTORY LIMITS

Emergency Exemption:

Section 104(c) of CERCLA as amended by SARA, limits a Federal emergency response to \$2 million unless three criteria are met. The quantities and levels of hazardous substances (PCBs) found at the Mahoningside Power Plant Site warrant the \$2 million and 12-month time limitation exemptions based on the following factors:

A. There is an immediate risk to public health or welfare or the environment;

Refer to Section IV, above.

B. Continued response actions are immediately required to prevent, limit, or mitigate an emergency;

As described in Section III, conditions at the site are such that the release of high levels of PCBs is imminent. In 2000, EPA conducted an emergency action at this Site as a result PCB migration. These actions are necessary to prevent additional PCB migration.

C. Assistance will not otherwise be provided on a timely basis.

As described in Section II, both the City of Warren and the Ohio EPA have indicated that funding is not available.

VI. PROPOSED ACTIONS AND ESTIMATED COSTS

The purpose of this expanded removal action is to mitigate the immediate threats posed to public health, welfare, or the environment by the presence PCB contamination in large debris piles at the Mahoningside Site. The On-Scene Coordinator (OSC) specifically proposes to undertake the following actions to mitigate threats posed by the presence of hazardous wastes:

- 1) Develop and implement a Site-specific Health and Safety Plan.
- 2) Establish and maintain Site security.
- 3) Develop and implement a sampling and segregation plan to separate high level PCB contaminated material (>50 ppm per discrete location or applicable standard based on to-be-developed Statement of Work) from lower-level PCB contamination from the debris piles.
- 4) Dispose of hazardous substances at approved off-Site disposal facilities in accordance with the U.S. EPA Off-Site Rule, 40 C.F.R. Section 300.440. This includes off-site disposal of both high level PCB contaminated material to a Toxic Substances Control Act (TSCA) approved landfill and, lower-level PCB contaminated material that poses significant risk to an appropriate non-hazardous waste landfill.
- 5) Stage remaining materials, if applicable, on an impermeable liner and cover.
- 6) Conduct post-removal sampling and analysis to verify completion of the removal action.

The removal action will be undertaken in a manner not inconsistent with the National Contingency Plan (NCP). The OSC will initiate planning for the provision of post-removal Site control consistent with the provisions of Section 300.415(l) of the NCP. The nature of this removal action (complete removal of hazardous substances from the Site) should eliminate the need for any post-removal Site control.

The detailed cleanup contractor cost estimate is presented in Attachment 1, and estimated project costs are summarized below:

EXTRAMURAL COSTS:**Regional Removal Allowance Costs:**

Total Cleanup Contractor costs (This cost category includes estimates for ERRS and subcontractors)	\$ 799,300
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Other Extramural Costs Not Funded from the Regional Allowance

Total START, including multiplier costs	\$ 45,000
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Extramural Subtotal	\$ 844,300
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Extramural Contingency (20%)	\$ 168,860
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TOTAL REMOVAL PROJECT CEILING	\$1,013,160
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The response actions described in this memorandum directly address the actual or threatened release of hazardous substances, pollutants, and contaminants at the Mahoningside Site which pose an imminent and substantial endangerment to public health or welfare or to the environment. These response actions will not impose a burden on affected property disproportionate to the extent to which that property contributes to the conditions being addressed.

Applicable or Relevant and Appropriate Requirements

All applicable, relevant, and appropriate requirements (ARARs) will be complied with to the extent practicable. Federal ARARs for the Mahoningside Site include TSCA and RCRA. All hazardous substances, pollutants, or contaminants removed off-site during the emergency removal action will be treated, stored, or disposed of at facilities in compliance with the U.S. EPA Off-Site Rule, 40 CFR § 300.440. Ohio EPA is an active partner in addressing threats associated with this removal action. A letter has been sent to Mr. Rod Beals of the Ohio EPA on September 5, 2000, requesting that he identify State ARARs. Any State ARARs identified in a timely manner for this removal action will be complied with to the extent practicable.

VII. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

Given the Site conditions, the nature of the hazardous substances documented on Site, and the potential exposure pathways to nearby populations described in Sections II, III, and IV, above, actual or threatened release of hazardous substances from the Site, if not addressed by implementing the response actions selected in this Action

Memorandum, presents an imminent and substantial endangerment to public health, welfare, or the environment.

VIII. OUTSTANDING POLICY ISSUES

There were no outstanding policy issues at the Mahoningside Power Plant Site.

IX. ENFORCEMENT

For administrative purposes, information concerning the enforcement strategy for this Site is contained in the Enforcement Confidential Addendum.

The total EPA costs for this removal action based on full-cost accounting practices that will be eligible for cost recovery are estimated to be \$1,013,160¹.

$$(1,013,160 + 20,000) + (42.38\% \times \$1,033,160) = \$1,471,013.21$$

X. RECOMMENDATION

This decision document represents the selected removal action for the Mahoningside Site, developed in accordance with CERCLA, as amended, and is not inconsistent with the NCP. This decision was based upon the Administrative Record for the Site. Because the conditions at the Site meet the NCP § 300.415(b)(2) criteria for a removal action, I recommend your approval of this removal action. The total project ceiling increase, if approved, will be \$1,013,160. Of this amount, an estimated \$968,160 may

¹Direct Costs include direct extramural costs and direct intramural costs. Indirect costs are calculated based on an estimated indirect cost rate expressed as a percentage of site-specific direct costs, consistent with the full cost accounting methodology effective October 2, 2000. These estimates do not include pre-judgment interest, do not take into account other enforcement costs, including Department of Justice costs, and may be adjusted during the course of a removal action. The estimates are for illustrative purposes only and their use is not intended to create any rights for responsible parties. Neither the lack of a total cost estimate nor deviation of actual total costs from this estimate will affect the United States' right to cost recovery.

be used for cleanup contractor costs. You may indicate your decision by signing below.

APPROVE: _____

Director, Superfund Division

DATE: _____

Sept 24, 2004

DISAPPROVE: _____

Director, Superfund Division

DATE: _____

Enforcement Addendum

Attachments

1. Detailed Cleanup Contractor Cost Estimate
2. Administrative Record Index
3. Region V EJ Analysis

cc: D. Stalcup, U.S. EPA, 5202-G
M. Chezick, U.S. Department of the Interior, **w/o Enf. Addendum**
K. Clouse, Ohio EPA, **w/o Enf. Addendum**
Ohio Atty. Gen., **w/o Enf. Addendum**
C. Jones, Director, Ohio EPA, **w/o Enf. Addendum**
M. Keys, City of Warren, OH, Community Devel. Dept., **w/o Enf. Addendum**

ENFORCEMENT ADDENDUM

**MAHONINGSIDE POWER PLANT SITE
WARREN, TRUMBULL COUNTY, OHIO**

SEPTEMBER 2004

**ENFORCEMENT CONFIDENTIAL
NOT SUBJECT TO DISCOVERY**

(REDACTED 4 PAGES)

ATTACHMENT 1

DETAILED CLEANUP CONTRACTOR COST ESTIMATE MAHONINGSIDE POWER PLANT SITE WARREN, TRUMBULL COUNTY, OHIO SEPTEMBER 2004

The estimated cleanup contractor costs necessary to complete the removal action at the Mahoningside Power Plant Site are as follows:

Personnel	\$ 78,800
Equipment	\$ 0**
Subcontractors	\$700,500
Materials	\$ <u>20,000</u>
TOTAL	\$799,300

** NOTE: The City of Warren has offered in-kind services to provide labor and heavy equipment to state and/or load-out materials that will be shipped off-site for disposal.



ATTACHMENT 2

U.S. ENVIRONMENTAL PROTECTION AGENCY REMOVAL ACTION

ADMINISTRATIVE RECORD FOR MAHONINGSIDE POWER PLANT SITE WARREN, TRUMBULL COUNTY, OHIO

ORIGINAL
SEPTEMBER 14, 2000

<u>NO.</u>	<u>DATE</u>	<u>AUTHOR</u>	<u>RECIPIENT</u>	<u>TITLE/DESCRIPTION</u>	<u>PAGES</u>
1	05/01/96	Ohio EPA	U.S. EPA	Biological and Water Quality Study of the Mahoning River Basin (OEPA Technical Report MAS/1995-12-14)	249
2	06/09/00	Payne, D., U.S. EPA	Moore, K., U.S. EPA	Memorandum re: PCB Analysis Results for the Mahoningside Power Plant Site	11
3	06/27/00	McCabe Engineering, Inc.	U.S. EPA	History Chronology and Analytical Summary for the Mahoningside Power Plant Site	5
4	07/21/00	Angelo, H., City of Warren	Karl, R., U.S. EPA	Letter re: City of Warren's Request for U.S. EPA Assistance at the Mahoningside Power Plant Site	2
5	09/05/00	Durno, M., U.S. EPA	Beals, R., Ohio EPA	Letter re: U.S. EPA's Request for Ohio ARARs for the Mahoningside Power Plant Site	1
6	09/20/00	Durno, M. & J. Fredle, U.S. EPA	Muno, W., U.S. EPA	Action Memorandum: Request for Approval to Initiate a Time Critical Removal Action at the Mahoningside Power Plant (PORTIONS OF THIS DOCUMENT HAVE BEEN REDACTED)	21

UPDATE #1
SEPTEMBER 14, 2004

1	01/24/03	Angelo, H., City of Warren	El-Zein, J., U.S. EPA	Letter re: City of Warren's Request for U.S. EPA Assistance with the Completion of the Mahoningside, Remediation Project	2
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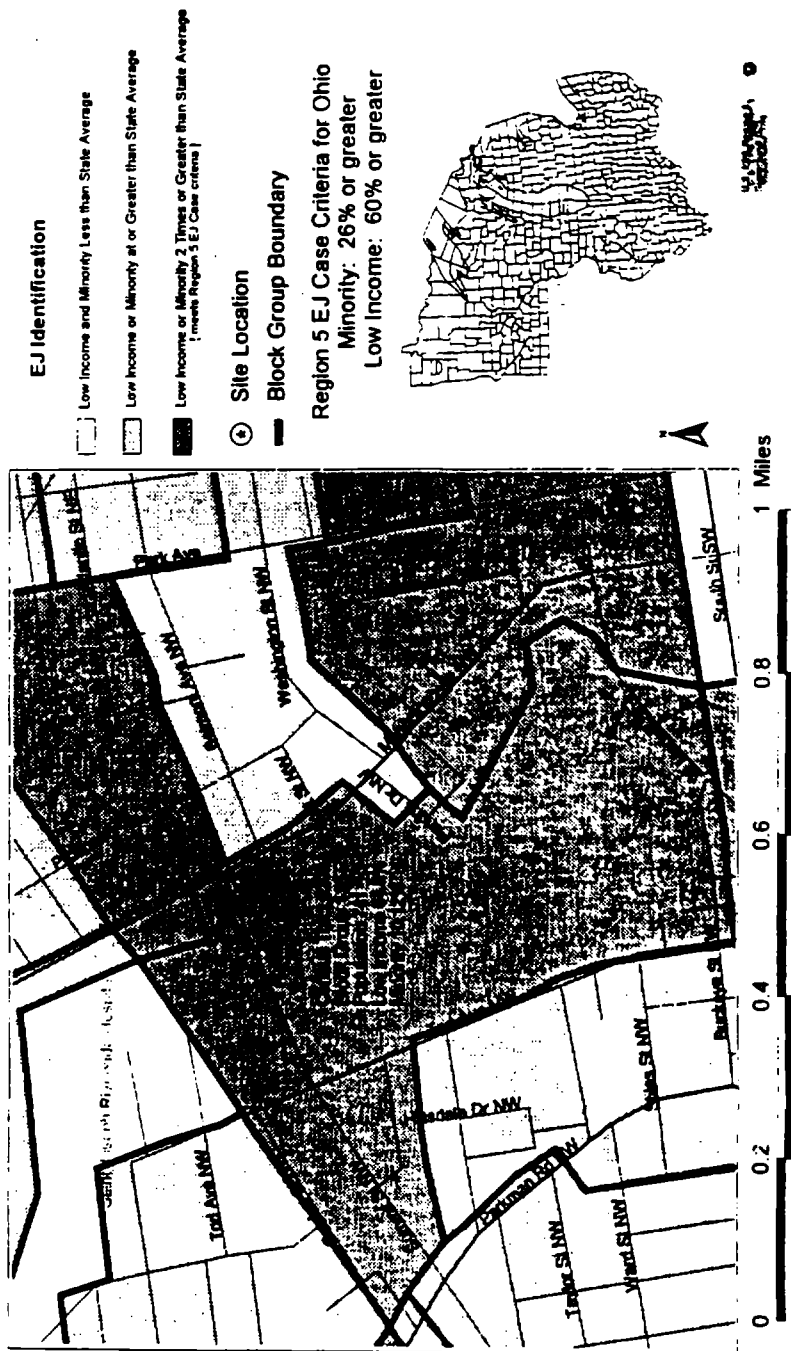
MAHONINGSIDE POWER PLANT AR
PAGE 2

<u>NO.</u>	<u>DATE</u>	<u>AUTHOR</u>	<u>RECIPIENT</u>	<u>TITLE/DESCRIPTION</u>	<u>PAGES</u>
2	00/00/00	Durno, M., U.S. EPA	Karl, R., U.S. EPA	Action Memorandum: Request for a Ceiling In- crease and an Exemption from the 12 Month and \$2 Million Statutory Limit for the Removal Action at the Mahoningside Power Plant Site (PENDING)	

ATTACHMENT 3

REGION V EJ ANALYSIS MAHONINGSIDE POWER PLANT SITE WARREN, TRUMBULL COUNTY, OHIO

Region 5 Superfund EJ Analysis Mahoningside Power Plant Site Warren, OH



INDEPENDENT GOVERNMENT COST ESTIMATE

**MAHONINGSIDE POWER PLANT SITE
WARREN, TRUMBULL COUNTY, OHIO**

SEPTEMBER 2004

NOT RELEVANT TO THE SELECTION OF THE REMOVAL ACTION

(REDACTED 1 PAGE)